IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3090 of 2005

Between:

C. Govindan, S/o.C.Venkataiah,
Waterman Cum Gardener (Contingent), Government Junior College (Girls),
Madapanapalle, Chittoor District.

..... PETITIONER

AND

1 The Principal, Govt., Junior College (Girls,) Madanapalle, Chittoor District.
2 The Commissioner and Director of Board of Intermediate Education, Andhra Pradesh, Hyderabad.
3 The Regional Joint Director, Intermediate Education, Kadapa Region, Kadapa.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari calling for all the connected records including the impugned judgment in O.A.No.5564 of 1994 dated 2-2-2005 and quash the same as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondents herein to absorb the petitioner in the post of watchman/Attender from the date on which the petitioner completed five years of service with all consequential benefits including monetary, seniority etc. and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR SERVICES I

The Court at the admission stage the following:

ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

Aggrieved by the order of the Tribunal passed in O.A.No.5564 of 1994 dated 02.02.2005, the present writ petition is filed.

2. According to the averments made in the affidavit filed in support of the petition, the petitioner belongs to Scheduled caste and he studied up to S.S.C. and he was selected for the post of Waterman-cum-Gardener on 24.04.1995. However, when the regular post became available, he was not absorbed. Therefore, he filed O.A.5564 of 1995 and the said O.A. was dismissed on 04.12.1997. Thereafter, he filed W.P.No.712 of 1998 and this court allowing the said writ petition remitted the matter to the Tribunal for fresh consideration. After hearing both the parties, the Tribunal again passed an order on 02.02.2005 dismissing the O.A. Against the said order, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the petitioner is entitled for regularization of services as he has completed more than five years of service as required under G.O.Ms.No.212, dated 20.04.1994. He further submits that there is a clear vacancy of watchman, which is meant for S.C. candidates and petitioner belong to S.C. community the petitioner, ought to have absorbed in the said vacancy. He further submits that even if he had completed 10 years of service in the contingent post as per the orders passed in G.O. Ms. No. 112, Finance & Planning, dated 23.07.1997 he ought be appointed in the last grade service and he is entitled for regularizing of services. Hence, the order of the tribunal is liable to be set aside.

4. We are afraid we cannot accept the contention of the learned counsel for the petitioner.

5. As far as the claim of regularization is concerned, we do not find any ground for regularization and the order of tribunal cannot be said to be illegal. But, however, we find that there is one more vacancy of watchman post, which is yet to be filled up. Under those circumstances, whenever the vacancy of watchman is sought to be

filled up on regular basis, the petitioner's case shall be considered along with others. Pending the appointment of watchman on regular basis, the petitioner shall be entitled the benefits of G.O. Ms.112, F & P, dated 23.07.1997, when he completes 10 years of service in the said cadre.

6. With the above observation, the writ petition is disposed of.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 22.02.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal, Govt., Junior College (Girls),

Madanapalle, Chittoor District.
2. The Commissioner and Director of Board of Intermediate Education,

Andhra Pradesh, Hyderabad.
3. The Regional Joint Director, Intermediate Education,

Kadapa Region, Kadapa.

4. Two C. Cs to G.P. for Services I, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

6. 1 CC to MR.KRISHNA MURTHY

7. The Registrar, A.P. Administrative Tribunal, Hyderabad.

*Form-NIC-OGS/WP{**JA**}*